



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
MISSION SUPPORT

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Andrew Schreyer  
Deputy Assistant Administrator

**ANDREW  
SCHREYER** Digitally signed by  
ANDREW SCHREYER  
Date: 2022.01.18  
10:43:28 -05'00'

TO: Lynnann Hitchens  
Acting Principal Deputy Assistant Administrator for Mission Support performing  
Delegated Duties of Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised by OGC/Ethics that I have an imputed financial interest based on my position as the President of **Pierre's Birthday Fund** and OGC/Ethics has confirmed that I may continue in this position. Therefore, I understand that I cannot participate personally and substantially in any particular matter that will have a direct and predictable effect on Pierre's Birthday Fund as a specific party or as a member of an affected class, unless I first obtain a written waiver.

### *Particular Matters Involving Specific Parties*

Given the value of my financial holdings, I am disqualified from participating personally and substantially in any particular matter that affects **Apple, Square, or McDonalds** as a specific party.

### *Particular Matters of General Applicability*

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sector” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the one listed below, then I understand that I do not have a financial conflict of interest.

Based on my current level of financial ownership, I am disqualified from participating personally and substantially in any matter of general applicability that targets the following sectors:

RECUSAL LIST – SECTORS	
Software and Services	Food Retail
Technology Hardware and Equipment	Internet & Direct Marketing Retail
Movies and Entertainment	Computer & Electronics Retail
Semiconductors	

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Biden for President**, or my former client, **Camp Presents**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after September 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former

client.”<sup>1</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

*DIRECTIVE AND CONCLUSION*

To avoid my participating in any of the matters from which I am recused, any such matters will be referred to Marilyn Braxton, Chief of Staff, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Arron Helm, Acting Deputy Assistant Administrator for Administration and Resources Management  
Vaughn Noga, Chief Information Officer and Deputy Assistant Administrator for Environmental Information  
Marilyn Braxton, Chief of Staff

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<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, DC 20460

OFFICE OF THE  
ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Grant Cope  
Senior Counselor to the Administrator

Digitally signed by Grant  
Cope  
Date: 2022.06.30  
11:26:03 -04'00'

TO: Michael S. Regan  
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Because I serve on the Alumni Board of Directors, I understand that I have a financial conflict of interest with **Lewis and Clark Law School** and am prohibited from participating in any particular matter involving specific parties in which they are a party or represent a party. This recusal continues for as long as I continue to serve in this fiduciary role.

### *Particular Matters Involving Specific Parties*

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that will have a direct and predictable effect upon any of the following entities as a specific party:

<b>RECUSAL LIST – SPECIFIC PARTY MATTERS</b>
Nvidia
United Health

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. My former employer, the State of California, is excluded from the pledge definition of “former employer” because it is a state government. Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for the State of California.

### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I instead have a “covered relationship” with the State of California. On May 3, 2022, the EPA’s Alternate Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate as Senior Counselor in particular matters that involve the State of California, but not on any of the same specific party matters I previously worked on personally and substantially. *See* attached impartiality determination.

For those specific party matters from which I am recused, I understand that I should not be sent or copied on substantive emails, attend meetings, or participate in any discussions, make recommendations, or otherwise make decisions with regard to them. Official actions on such matter should be made without my recommendation, knowledge, or involvement. Any inquiries regarding the extent of my recusals should be directed to OGC/Ethics.

### *ATTORNEY BAR OBLIGATIONS*

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

### *DIRECTIVE AND CONCLUSION*

To avoid participating in any of the matters from which I am recused, I will monitor my recusals assiduously and consult as needed with OGC/Ethics. In the event that my circumstances

change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my recusal statement accordingly.

Attachment

cc: Janet McCabe, Deputy Administrator  
Dan Utech, Chief of Staff  
Justina Fugh, Director, Ethics Office



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

May 3, 2022

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**SUBJECT:** Impartiality Determination to Participate in Certain Matters Involving California Environmental Protection Agency

**FROM:** Justina Fugh **FUGH** Digitally signed by JUSTINA FUGH  
Date: 2022.05.03  
15:56:53 -04'00'  
Alternate Designated Agency Ethics Official and Director, Ethics Office

**TO:** Grant Cope  
Senior Counselor to the Administrator

As Senior Counselor to the Administrator of the United States Environmental Protection Agency (EPA), you seek permission to participate in specific party matters involving the California Environmental Protection Agency (CalEPA). Prior to being selected for this Schedule C position, you served as Deputy Director of the Department of Toxic Substances Control for CalEPA.

Pursuant to Executive Order 13989 and the Biden Ethics Pledge that you signed upon appointment, political appointees are prohibited from participating in specific party matters in which their former employer or former client is a party. However, state government is excluded under the definition of “former employer.”<sup>1</sup> Therefore, the Ethics Pledge does not apply to your CalEPA employment.

However, what remains is an impartiality concern under the federal ethics rules set forth in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635, specifically Subpart E, “Impartiality in Performing Official Duty.” Upon assuming the position of Senior Counselor to the Administrator, you have a “covered relationship” with CalEPA pursuant to 5 C.F.R. § 2635.502(b)(1)(iv). For one year after you resigned from CalEPA, absent an impartiality determination from an EPA ethics official, you cannot participate in any specific party matter in which CalEPA is a party or represents a party if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. *See* 5 C.F.R. § 2635.502(a).

Federal ethics regulations permit federal employees to participate in matters that might

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<sup>1</sup> *See* Exec. Order 13989, Section 2(k), which provides that “‘former employer’ does not include...State or local government.”

raise impartiality concerns when the interest of the federal government in the employee's participation outweighs concern over the questioning of the "integrity of the agency's programs and operations." 5 C.F.R. § 2635.502(d). The factors that the Agency takes into consideration are:

- (1) the nature of the relationship involved;
- (2) the effect that resolution of the matter will have upon the financial interest of the person affected in the relationship;
- (3) the nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;
- (4) the sensitivity of the matter;
- (5) the difficulty of reassigning the matter to another employee; and
- (6) adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

In reviewing these factors, I have concluded that the interest of the United States Government in your participation outweighs any concerns about your impartiality, and I am authorizing you to participate as Senior Counselor to the Administrator in particular matters that involve CalEPA with the following limitation: you must recuse yourself from participation in specific party matters in which you participated personally and substantially while employed with CalEPA. In making this determination, I have taken the following factors into consideration:

Nature of the relationship involved – Since 2018, you served as Deputy Director of the Department of Toxic Substances Control at CalEPA and managed the statewide cleanup program. From 2013-2018, you served as Deputy Secretary for Environmental Policy at CalEPA. Sensitivities regarding your impartiality will necessarily revolve around the issues in which you participated personally and substantially for CalEPA. States share responsibility with EPA in protecting human health and the environment. With respect to many of our statutes, EPA has directly delegated states with regulatory and enforcement authority. In fact, EPA works closely and directly with state governmental entities on a continuing and frequent basis.

Effect of the matter upon your financial interest – I understand that you have a defined benefit plan with the State of California. Although you have a financial conflict of interest pursuant to 18 U.S.C. § 208, it is not disqualifying. See 5 C.F.R. §§ 2640.201(c)(1)(ii) and 2640.201(c)(2). In EPA's experience, it is unlikely you as Senior Counselor will be in any position to affect the State's ability or willingness to pay benefits to its retirees.

Nature and importance of the employee's role – As Senior Counselor, you serve as a key advisor to the Administrator. In this role, you are expected to communicate freely with states and localities and will be asked to participate in discussions and meetings related to particular matters that affect California.

Sensitivity of the matter – We anticipate that there will be specific party matters in which you did not participate personally and substantially for CalEPA that will rise to your level of attention, merit your participation and raise nationally significant issues.



Difficulty of reassigning the matter to another employee – Your participation as Senior Counselor in such matters will be of importance to the Administrator, and therefore in the Agency's interests. In these situations, it may not be appropriate to reassign the matter to another employee.

Under this limited authorization, you are authorized to participate in specific party matters that involve CalEPA, but not on the very same specific party matters on which you worked on personally and substantially while employed by CalEPA. With respect to any particular matters involving CalEPA as a specific party and in which you previously participated personally and substantially, you have voluntarily agreed, pursuant to our advice, not to participate at all for the duration of your EPA tenure. In the event that EPA believes it has a compelling reason for your participation as an EPA official on any of those same specific party matters that you participated in personally and substantially, then you or your office may ask OGC/Ethics to reconsider the factors and information listed above on a case-by-case basis. Unless and until you receive written authorization, you must continue to recuse yourself from those matters in which you had previously participated while OGC/Ethics considers whether the Agency's interest in your participation outweighs any impartiality concern. Please note, however, that OGC/Ethics does not provide professional responsibility advice, so you will need to consult your own bar counsel about rule 1.11.

While I have issued you this determination to interact with CalEPA with the limitation described above, you may wish to make adjustments to your duties to not participate in a particular matter that involves CalEPA as a specific party. Nothing in this impartiality determination precludes you from making additional adjustments to your duties, such as voluntarily recusing from other matters, although you are advised to consult with OGC/Ethics should such a circumstance arise.

If you have any questions regarding this determination, or if a situation arises in which you need advice or clarification, please contact me at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or (202) 564-1786.

cc: Dan Utech, Chief of Staff  
Alison Cassady, Deputy Chief of Staff



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY  
AND POLLUTION PREVENTION

August 19, 2021

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Ya-Wei (Jake) Li  
Deputy Assistant Administrator for Pesticide Programs,  
Office of Chemical Safety and Pollution Prevention

YA-WEI LI  
Digitally signed  
by YA-WEI LI  
Date: 2021.08.19  
08:46:45 -04'00'

TO: Michal Ilana Freedhoff  
Assistant Administrator,  
Office of Chemical Safety and Pollution Prevention

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## OBLIGATIONS UNDER EXECUTIVE ORDER 13989

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, or any former client to whom I provided services during the past two years prior to my joining federal service, is a party or represents a party. Under the terms of the Ethics Pledge, these recusals last for two years from the date that I joined federal service, or until June 28, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employers do not apply to me for my former clients, the University of Illinois and Texas A&M University. The definition of “former employer” excludes an entity of a state government, including a state university.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former clients for the University of Illinois or Texas A&M University.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>2</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” I will consult with OGC/Ethics.

RECUSAL LIST PURSUANT TO EXECUTIVE ORDER 13989 In effect until June 28, 2023	
FORMER EMPLOYER: Environmental Policy Innovation Center (EPIC) Sand County Foundation	
FORMER CLIENTS:  CropLife America Corteva Agriscience LPC Conservation, LLC	Electric Power Research Institute (EPRI) Perkins Coie, LLP

<sup>1</sup> See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

<sup>2</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with any former client that is a state university. Therefore, I may not participate in a particular matter involving specific parties in which the **University of Illinois** or **Texas A&M University** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year from the day I last provided services, which is March 1, 2022 for the University of Illinois and June 17, 2022 for Texas A&M University.

### *ATTORNEY BAR OBLIGATIONS*

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I previously participated in personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics.

### *DIRECTIVE AND CONCLUSION*

To avoid participating in matters from which I am recused, please direct those matters to the attention of Jonah Richmond, Special Assistant, without my knowledge or involvement. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Rick Keigwin, Deputy Assistant Administrator for Management  
Tom Tyler, Chief of Staff  
Hayley Hughes, Acting Director for Office of Program Support  
Catie Diaz, Special Assistant  
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF THE  
ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Janet McCabe  
Deputy Administrator

Janet  
McCabe

Digitally signed by Janet  
McCabe  
Date: 2021.06.15  
19:39:14 -04'00'

TO: Michael S. Regan  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I have been advised that I have no financial conflicts of interest at this time.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, the **Environmental Law and Policy Center**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after April 29, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me for Indiana University. The definition of “former employer” excludes an entity of a state government, including a state university.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for Indiana University.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>2</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a state university. Therefore, I may not participate in a particular matter involving specific parties in which **Indiana University** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts until after April 29, 2022, which is one year after I resigned from the university.

I also have a “covered relationship” with my spouse’s current employer, **Indiana Legal Services, Inc.** Although it is unlikely that either his employer or he will have any business before the EPA, I will not participate personally and substantially in any particular matter involving specific parties in which I know his employer is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal remains in effect for the duration of my tenure at EPA and/or my spouse’s current employment.

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in

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<sup>1</sup> See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

<sup>2</sup> See OGE Advisory DO-09-011 (3/26/09).

personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

*DIRECTIVE AND CONCLUSION*

To avoid participating in matters from which I am recused, please direct them to the attention of **Andrea Drinkard, Special Assistant**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Dan Utech, Chief of Staff  
Assistant and Acting Assistant Administrators  
Acting Regional Administrators  
Alison Cassady, Deputy Chief of Staff for Policy  
Dorien Blythers, Deputy Chief of Staff for Operations  
Wesley J. Carpenter, Acting Deputy Chief of Staff  
Kathleen Lance, Director of Scheduling and Advance  
John Lucey, Special Assistant to the Administrator  
James Payne, Designated Agency Ethics Official and Deputy General Counsel for  
Environmental Media and Regional Law Offices  
Justina Fugh, Alternate Designated Agency Ethics Official



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Jeffrey M. Prieto  
General Counsel

**JEFFREY  
PRIETO**

Digitally signed by  
JEFFREY PRIETO  
Date: 2022.01.06  
12:59:24 -05'00'

TO: Michael S. Regan  
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment. I do not currently have any financial conflicts of interest and will remain vigilant and notify OGC/Ethics immediately should my financial situation change.



## *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

I understand that, pursuant to Section 1, Paragraph 2 of the Executive Order, **American Forests** is considered my former employer. I further understand that I am prohibited from participating in any particular matter involving specific parties in which **American Forests** is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after November 5, 2023.

The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding a former employer do not apply to the **Los Angeles Community College District**. The definition of “former employer” excludes an entity of a state or local government, including a university.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers for **Los Angeles Community College District**.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>2</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a local government university district. Therefore, I may not participate in a particular matter involving specific parties in which the **Los Angeles Community College District** is a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts until after November 3, 2022, which is one year after I resigned from the district.

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<sup>1</sup> See Exec. Order 13989, Section 2(k) and Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

<sup>2</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

## *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under applicable bar rules, I recognize that I am obliged to protect the confidences of my former employers/clients. I also understand that I cannot participate in any matter that is the same as the specific party matter that I participated in personally and substantially previously, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics.

## *DIRECTIVE AND CONCLUSION*

To avoid my participating in any of the matters from which I am recused, please refer those matters to the attention of **Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices**, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

cc: Melissa Hoffer, Principal Deputy General Counsel  
Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs  
Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives  
Susannah Weaver, Senior Counselor  
Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices  
Elise Packard, Deputy General Counsel for Operations  
OGC Associates and Directors  
Regional Counsels  
Daniel Conrad, Acting Associate Deputy General Counsel



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF  
WATER

**MEMORANDUM**

SUBJECT: Revised Recusal Statement

FROM: Radhika K. Fox  
Assistant Administrator

**RADHIKA  
FOX**

Digitally signed by  
RADHIKA FOX  
Date: 2021.10.22  
14:15:02 -04'00'

TO: Michael S. Regan  
Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This recusal statement supersedes the one I had previously issued on June 16, 2021 and formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employers, **U.S. Water Alliance, Jobs to Move America, PolicyLink, and the Aspen Institute**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."<sup>1</sup> Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

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<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

## *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

### *Particular Matters Involving Specific Parties*

Because of the current level of financial ownership, I am disqualified from participating personally and substantially in any particular matter that affects any of following entities as a specific party:

RECUSAL LIST – SPECIFIC PARTY MATTERS			
3M	Citigroup, Inc.	Microsoft	UPS
Abbot Laboratories	Coca-Cola Co.	Morgan Stanley	U.S. Bancorp
Abbvie, Inc.	Comcast Corp.	Nike, Inc.	United Health Group
Alphabet, Inc.	Costco	Novartis AG	
Amazon	Facebook, Inc.	Nvidia Corp	Verizon Communications
Amgen, Inc.	FedEx Corp.	OTIS Worldwide Corp.	Visa, Inc.
Anthem, Inc.	Home Depot, Inc.	PepsiCo, Inc.	Walt Disney
Apple, Inc.	Honeywell International, Inc.	Pfizer, Inc.	
Bank of America	Intel, Corp.	PNC Financial Services	
Bank of Montreal	Johnson & Johnson	Proctor & Gamble	
Boeing Co.	JP Morgan & Chase	Raytheon Technologies Corp.	
Carrier Global Corporation	Mastercard, Inc.	SalesForce	
Caterpillar, Inc.	Medtronic PLC	Starbucks Corp.	
Centene Corp.	Metlife, Inc.	Traveler's	

### *Particular Matters of General Applicability*

Because of the current level of financial ownership in securities and sector mutual funds<sup>2</sup>, I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sectors” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the ones listed below, then I understand that I do not have a financial conflict of interest.

RECUSAL LIST –SECTORS		
Aerospace & Defense	Apparel, Accessories, Footwear, & Luxury Goods	Banks
Beverages	Building Products	Consumer Finance
Diversified Financial Services	Electrical Equipment	Food & Staples Retailing
Healthcare Equipment & Services	Home Improvement Retail	Hotels, Resorts, & Cruise Lines
Household & Personal Products	Insurance	Internet & Direct Marketing Retail
Machinery	Media & Entertainment	Pharmaceuticals, Biotechnology, & Life Sciences
Semiconductors	Software & Services	Specialty Chemicals
Technology Hardware & Equipment	Telecommunication Services	Transportation (Air Freight & Logistics; Marine; Road & Rail)

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<sup>2</sup> Pursuant to 5 C.F.R. § 2640.201(b), I am further aware that I may not work on any specific party matters affecting the underlying holdings of my sector funds.

## *Bonds*

I am recused from participating in any particular matter that will have a direct and predictable financial effect upon the ability and willingness of the following bond issuers to honor their obligations or that will affect their bond ratings.

RECUSAL LIST – BONDS	
New Jersey Turnpike Authority	San Juan Unified School District, California
New Jersey Economic Development Authority	Public Works Board, California
State of New Jersey	William S. Hart School District, California
Union County, New Jersey	Chaffey Community College District, California
Carteret, New Jersey	Chabot Las Positas Community College District, California
Orange Township, New Jersey	City and County San Francisco, California
State of California	Long Beach, California

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal ethics rules, I understand that I have a covered relationship with my spouse and my spouse's employer, Direct Commerce, Inc. *See* 5 C.F.R. § 2635.502(b)(1)(ii) and (iii). I will recuse from specific party matters where my spouse or his employer is a party or represents a party, unless I am otherwise authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

## *DIRECTIVE AND CONCLUSION*

To avoid participating in all of the matters outlined above from which I am recused, please direct them to the attention of **Benita Best-Wong, Deputy Assistant Administrator**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics and will consult with them to revise my recusal statement if my circumstances change, including changes in my financial interests, my personal or business relationships, or my EPA duties, and provide a copy to you and the Ethics Office.

cc: Benita Best-Wong, Deputy Assistant Administrator  
OW Office Directors  
Justina Fugh, Director, Ethics Office  
Louise Kitamura, OW/IO Assistant Deputy Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Susannah Weaver  
Senior Counselor, Office of General Counsel

Susannah L. Weaver  
Digitally signed by  
Susannah L. Weaver  
Date: 2021.08.13  
14:28:19 -04'00'

TO: Melissa Hoffer  
Acting General Counsel

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which a former employer or former client is a party or represents a party. Set forth in the charts below are my former employer and former clients identified in consultation with OGC/Ethics that have or may have environmental interests that could potentially arise with respect to my duties here at EPA.<sup>1</sup> I understand that my recusal with these entities will last for two years from the date that I joined federal service. This recusal will end on **June 27, 2023**.

Former Employer	
Donahue, Goldberg, & Littleton, LLP	
Former Clients	
Adirondack Council	Google LLC
Advanced Micro Devices, Inc.	Hewlett Packard Enterprise Company
Amazon.com, Inc.	Public Health Law Center
Bates White LLC	SAP America, Inc.
Bloomberg L.P.	Square, Inc
Box, Inc.	Uber Technologies, Inc.
Environmental Defense Fund	Waymo, LLC

<sup>1</sup> For any former client that is not listed, I understand that I am personally obliged not to participate in specific party matters involving that former client for the duration of my ethics obligations.



I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>2</sup> Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

### *ATTORNEY BAR OBLIGATIONS*

In addition to the pledge restrictions involving my former employer and clients, I understand that I am bound by my bar rules and am obliged to protect the confidences of my former clients. I understand that I am restricted from switching sides in litigation in which I participated in or provided counsel or that is the same as or substantially related to the same specific party matter in which I previously participated personally and substantially, unless my bar provides for and I first obtain informed consent and coordinate with OGC/Ethics. Attached is a list of the cases in which I participated and from which I am recused for the entirety of my tenure at EPA.

### *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have been advised by OGC/Ethics that I have an imputed financial interest based on my position as a member of the Board of Visitors of Georgetown University Law Center. I have received approval from OGC/Ethics for my outside activity as a member of the Board of Visitors of Georgetown University Law Center, and I understand that the interests of the University are imputed to me under the financial conflict of interest statute. Therefore, I cannot participate personally and substantially in any particular matter that will have a direct and predictable effect on **Georgetown University** as a specific party or as a member of an affected class, unless I first obtain a written waiver.

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<sup>2</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).



*Particular Matters Involving Specific Parties*

Given the value of my financial holdings, I am disqualified from participating personally and substantially in any particular matter that affects **SunRun** or **SolarEdge** as a specific party.

*Particular Matters of General Applicability*

I am also disqualified from participating personally and substantially in any particular matter of general applicability that is focused on the interests of any individual discrete and identifiable class of “persons” (identified as “sector” below). This prohibition extends to each class (or sector) individually. If a matter affects all sectors or if a particular matter affects a combination of sectors, including the one listed below, then I understand that I do not have a financial conflict of interest.

Based on my current level of financial ownership, I am disqualified from participating personally and substantially in any matter of general applicability that targets the **Semiconductors** sector.

*Certificate of Divestiture*

I intend to seek a certificate of divestiture and will update this recusal statement when my financial situation changes.

*DIRECTIVE AND CONCLUSION*

To avoid participating in any of the matters from which I am recused, please refer those matters to the attention of Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices, without my knowledge or involvement. In the event that my circumstances change, e.g., my financial interests or my covered relationships, then I will consult with OGC/Ethics and update my recusal statement accordingly.

*Attachment*

cc: Dimple Chaudhary, Deputy General Counsel for Nationwide Resource Protection Programs  
 Marianne Engelman-Lado, Deputy General Counsel for Environmental Initiatives  
 Jim Payne, Deputy General Counsel for Environmental Media and Regional Law Offices  
 Elise Packard, Deputy General Counsel for Operations  
 OGC Associates and Directors  
 Regional Counsels  
 Daniel Conrad, Acting Associate Deputy General Counsel

**LIST OF RECUSED CASES – Susannah Weaver**

<b>CASE NAME &amp; CITATION</b>	<b>DESCRIPTION</b>
<i>State of California v. EPA</i> , No. 21-1035 (and consolidated cases) (D.C. Cir.)	Challenge to Jan. 13, 2021 significant contribution rule
<i>Environmental Defense Fund v. EPA</i> , No. 4:21-cv-00003 (D. Mont.)	Challenge to Jan. 6, 2021 science transparency rule
<i>Environmental Defense Fund v. EPA</i> , No. 20-1360 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 15, 2020 rule to rule weakening emissions standards for volatile organic compounds from oil and gas sources
<i>State of California v. EPA</i> , No. 20-1357 (and consolidated cases) (D.C. Cir.)	Challenge to Sept. 14, 2020 rule to remove methane emissions standards and downstream standards for oil and gas sources
<i>Air Alliance Houston v. EPA</i> , No. 20-1268 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 risk and technology review for air toxics from power plants
<i>American Academy of Pediatricians v. Wheeler</i> , No. 20-1221 (and consolidated cases) (D.C. Cir.)	Challenge to May 20, 2020 withdrawal of appropriate and necessary finding to regulate toxic pollution from power plants
<i>California v. EPA</i> , No. 19-17480 (9 <sup>th</sup> Cir)	Suit for injunctive relief requiring the EPA to promulgate its federal landfill emissions plan
<i>Environmental Defense Fund v. EPA</i> , No. 19-1222 (and consolidated case) (D.C. Cir.)	Challenge to Aug. 26, 2019 rule to extend deadlines for implementing landfill emissions guidelines
<i>American Lung Ass'n v. EPA</i> , No. 19-1140 (and consolidated cases) (D.C. Cir.)	Challenge to July 8, 2019 rule rescinding the Clean Power Plan and promulgating the ACE rule
<i>State of Maryland v. EPA</i> , No. 18-1285 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 25, 2018 denial of section 126 petition
<i>State of California v. EPA</i> , No. 18-1139 (and consolidated cases) (D.C. Cir.)	Challenge to April 13, 2018 mid-term evaluation of vehicle emission standards
<i>State of California v. EPA</i> , 4:18-cv-03237 (N.D. Cal.)	Challenge to EPA's failure to fulfill its mandatory duty to implement landfill emission guidelines
<i>State of New York v. Pruitt</i> , No. 1:18-cv-00773 (D.D.C.)	Challenge to EPA's unreasonable delay in fulfilling its mandatory duty to issue oil and gas emission guidelines
<i>North Dakota v. EPA</i> , No. 17-1014 (and consolidated cases) (D.C. Cir.)	Challenge to denial of petition to reconsider CPP
<i>Chesapeake Bay Foundation v. Pruitt</i> , No. 1:17-cv-02939-JKB (and consolidated cases) (D. Md.).	Suit for injunctive relief regarding EPA's failure to take final action on petition filed by the Maryland Department of the Environment
<i>Truck Trailers Manufacturers Ass'n v. EPA</i> , No. 16-1430 (D.C. Cir.)	Challenge to Oct. 25, 2016 rule regulating, among other things, trailers
<i>NRDC v. EPA</i> , No. 16-1425 (D.C. Cir.)	Challenge to EPA's failure to regulate methane emissions in 2012 rule
<i>Nat'l Waste &amp; Recycling Ass'n v. EPA</i> , Nos. 16-1371, 16-1372 (D.C. Cir.)	Challenge to Aug. 19, 2016 rule strengthening new source performance standards and emissions guidelines for landfills
<i>Murray Energy Corp. v. EPA</i> , No. 16-1127 (and consolidated cases) (D.C. Cir.)	Challenge to April 25, 2016 supplemental appropriate and necessary finding to regulate toxic pollution from power plants
<i>State of Wisconsin v. EPA</i> , No. 16-1406 (and consolidated cases) (D.C. Cir.)	Challenge to CASPR
<i>State of West Virginia v. EPA</i> , No. 15-1363 (and consolidated cases) (D.C. Cir.)	Challenge to Oct. 23, 2015 Clean Power Plan
<i>American Petroleum Inst. v. EPA</i> , No. 13-1108 (and consolidated cases) (D.C. Cir.)	Challenge to EPA's 2012-2016 rules regulating pollution from oil and gas sources



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF THE  
ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Jennifer Macedonia  
Deputy Associate Administrator  
Office of Policy

JENNIFER  
MACEDONIA

Digitally signed by  
JENNIFER MACEDONIA  
Date: 2021.08.18  
09:50:40 -04'00'

TO: Victoria Arroyo  
Associate Administrator for Policy

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **JLM Environmental Consulting** (my own consulting firm, now inactive) is a party or represents a party. Under the terms of the Ethics Pledge, this recusal also applies to the following clients whom I served in the two years preceding my appointment and lasts for two years from the date that I joined federal service, or until after June 1, 2023:

FORMER CLIENT
<b>Duke University</b>
<b>Environmental Defense Fund</b>
<b>Meier Engineering Research</b>

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>1</sup> Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with the **Climate Reality Project**. I may not participate in a particular matter involving specific parties in which they are a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d).

## *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Chief of Staff, Josh Lewis and Special Assistant, Brent Efron to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to one of them without my knowledge or involvement. If they determine that I am recused, then the Chief of Staff will take action or refer it for action or assignment to another,

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<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Phillip Fine, Principal Deputy Associate Administrator  
Helena Wooden-Aguilar, Deputy Associate Administrator  
Josh Lewis, Chief of Staff  
Brent Efron, Special Assistant  
Justina Fugh, Director, Ethics Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

March 1, 2021

OFFICE OF  
AIR AND RADIATION

**MEMORANDUM**

**SUBJECT:** Recusal Statement

**FROM:** Tomás Elías Carbonell   
Deputy Assistant Administrator for Stationary Sources

**TO:** Joseph Goffman  
Acting Assistant Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **Environmental Defense Fund**, is a party or represents a party. Under the terms of the Ethics Pledge, this recusal lasts for two years from the date that I joined federal service, or until January 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>1</sup> Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

#### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal ethics rules, I understand that I have a covered relationship and a one-year cooling off period with any organization in which I was an active participant. Therefore, I am prohibited from participating personally and substantially in any particular matter involving specific parties in which the **Institute for Policy Integrity** (NYU School of Law) is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d). My recusal lasts for one year after my resignation from this organization.

I have an uncompensated adjunct faculty position with Howard University School of Law, but I am not currently teaching. In the event that I decide to teach in the future, I will consult with OGC/Ethics as appropriate. Thus, I am also prohibited from participating personally and substantially in any particular matter involving specific parties in which the **Howard University School of Law** is a party or represents a party, unless I am first authorized by OGC/Ethics to participate, pursuant to 5 C.F.R. § 2635.502(d).

#### *ATTORNEY BAR OBLIGATIONS*

Pursuant to my obligations under my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Thus, I will not participate in the following matters:

CASE NAME:	CITATION:
State of California v. EPA	No. 4:18-cv-03237-HSG (N.D. Cal.)
Nat'l Waste and Recycling Assoc., <i>et al.</i> v. EPA,	No. 16-1372 (D.C. Cir.)
<i>et al.</i>	
Nat'l Waste and Recycling Assoc., <i>et al.</i> v. EPA,	No. 16-1371 (D.C. Cir.)
<i>et al.</i>	
Environmental Defense Fund v. EPA	No. 19-1222 (D.C. Cir.)
Gas Processors Association v. EPA	No. 15-1473 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 15-1020 (D.C. Cir.)
American Petroleum Institute v. EPA	No. 13-1108 (D.C. Cir.)

<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).



American Petroleum Institute v. EPA	No. 12-1405 (D.C. Cir.)
Natural Resources Defense Council, <i>et al.</i> v. EPA, <i>et al.</i>	No. 12-1409 (D.C. Cir.)
Natural Resources Defense Council, <i>et al.</i> v. EPA	No. 16-1425 (D.C. Cir.)
American Lung Association v. EPA	No. 19-1140 (D.C. Cir.)
Biogenic CO2 Coalition v. EPA, <i>et al.</i>	No. 15-1480 (D.C. Cir.)
State of North Dakota v. EPA	No. 15-1381 (D.C. Cir.)
Air Alliance Houston v. EPA	No. 20-1268 (D.C. Cir.)
Westmoreland Mining Holdings v. EPA	No. 20-1160 (D.C. Cir.)
American Academy of Pediatrics v. Wheeler	No. 20-1221 (D.C. Cir.)
Chesapeake Bay Foundation v. EPA	No. 13-1200 (D.C. Cir.)
Environmental Defense Fund, <i>et al.</i> v. EPA	No. 4:21-cv-00003-BMM-JTJ (D. Mont.)
California Communities Against Toxics, <i>et al.</i> v. EPA	No. 21-1024 (D.C. Cir.)

### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in particular matters from which I am recused, I have asked the Chief of Staff, Ann Ferrio, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines I am recused, then she will take action or refer it for action or assignment to another, without my knowledge or involvement. In the event that the Chief of Staff is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination.

### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator  
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources  
Eunjung Kim, Special Assistant  
Justina Fugh, Director, Ethics Office





**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

April 27, 2021

THE ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Michael S. Regan  
Administrator

A handwritten signature in black ink that reads "Michael S. Regan".

TO: Acting Assistant Administrators  
Acting General Counsel  
Inspector General  
Acting Regional Administrators

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

### *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I have ethics obligations with respect to my former employer, the North Carolina Department of Environmental Quality (NC DEQ). The Executive Order provides more restrictions than the federal ethics rules, but I am advised by OGC/Ethics that the additional restrictions contained in the Executive Order regarding former employer do not apply to me. The definition of “former employer” excludes state government.<sup>1</sup> Therefore, OGC/Ethics has confirmed that I am not subject to the additional Executive Order restrictions regarding former employers.

### *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with my former employer, which is a state government agency. However, on March 11, 2021, EPA’s Designated Agency Ethics Official issued an impartiality determination that authorizes me to participate as Administrator in particular matters that involve the NC DEQ, but not on the very same specific party matters I worked on personally and substantially while employed with the NC DEQ. See attached impartiality determination. Given my previous role at the NC DEQ, I am recusing myself from the following specific party matters:

CASE NAME and/or SUBJECT MATTER:	CITATION and/or DESCRIPTION:
State of California, <i>et al.</i> v. Andrew R. Wheeler, <i>et al.</i>	Case No. 3:20-cv-03005 (N.D. Cal) (litigation involving the definition of WOTUS)
Sierra Club, <i>et al.</i> v. EPA	Case No. 20-1229 (D.C. Cir.) (litigation involving EPA’s April 2020 SIP Call Withdrawal and Air Plan Approval; NC: Large Internal Combustion Engines NOx Rule Changes)
Environmental Committee of the Florida Electric Power Coordinating Group v. EPA	Case No. 15-1239 (D.C. Cir.) (challenge to EPA’s 2015 SIP call)
Round 4 SO2 Designations	As part of the Round 4 SO2 designation, EPA designated Haywood County, NC as attainment/unclassifiable.
Blue Ridge Paper Product Source Specific SIP Revision	In December 2020, EPA approved a source-specific SIP revision for Blue Ridge Paper Products to reduce SO2 emissions from the facility.

If any other specific party matters arise at EPA, in which I participated personally and substantially while at NC DEQ, I understand that I must recuse myself from participating in those particular matters.

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<sup>1</sup> See Exec. Order 13989, Section 2(k), which provides that “‘former employer’ does not include...State or local government.”

### *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Dan Utech, Chief of Staff, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to the Chief of Staff without my knowledge or involvement.

If the Chief of Staff determines I am recused, then he will take action or refer it for action or assignment to another, without my knowledge or involvement. In the event that the Chief of Staff is unsure whether an issue is a particular matter from which I am recused, then he will consult with OGC/Ethics for a determination.

### *UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Dan Utech, Chief of Staff  
Alison Cassady, Deputy Chief of Staff for Policy  
Dorien Blythers, Deputy Chief of Staff for Operations  
Wesley J. Carpenter, Acting Deputy Chief of Staff  
Kathleen Lance, Director of Scheduling and Advance  
John Lucey, Special Assistant to the Administrator  
James Payne, Designated Agency Ethics Official and Deputy General Counsel for  
Environmental Media and Regional Law Offices  
Justina Fugh, Alternate Designated Agency Ethics Official



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

OFFICE OF  
WATER

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Zachary Schafer  
Senior Advisor

**ZACHARY  
SCHAFER**

Digitally signed by  
ZACHARY SCHAFER  
Date: 2021.09.08  
12:10:05 -04'00'

TO: Radhika K. Fox  
Assistant Administrator

I have consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and President Biden's Ethics Pledge that I signed.

*OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of the Executive Order, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **United for Infrastructure**, is a party or represents a party. I understand that my recusal will last for two years from the date that I joined federal service. This recusal will end after June 20, 2023.

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term "particular matters involving specific parties" is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term "open to all interested parties" means that the meeting should include a multiplicity of parties. If, for example, there is "a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client."<sup>1</sup> Should a question arise as to whether a specific forum qualifies as "open to all interested parties," then I will consult with OGC/Ethics.

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<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).



## *FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *DIRECTIVE AND CONCLUSION*

To avoid participating in the matters from which I am recused, please refer them directly to **Benita Best-Wong, Deputy Assistant Administrator**, without my knowledge or involvement. Should these recusals have a significant impact on my ability to perform my duties, I will seek additional guidance from OGC/Ethics. In the event that my circumstances change, including changes in my financial interests, my personal or business relationships, or the scope of my EPA duties, I will consult with OGC/Ethics to revise my recusal statement as necessary.

cc: Benita Best-Wong, Deputy Assistant Administrator  
OW Office Directors  
Louise Kitamura, OW/IO Assistant Deputy Ethics Official  
Justina Fugh, Director, Ethics Office

**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Maxwell Levy

Your full name

(b) (6)

Your telephone number\*

2/2/2022

Date negotiation or agreement began

Partnerships Manager / OPEEE

Your Title / Office / AAship or Region

(b) (6)

Your email address\*

Abrams for Georgia

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                      | No                                  |                                                                                                             |
|----|--------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------|
| 1. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.

Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

**MAXWELL LEVY**

Your signature

Digitally signed by MAXWELL LEVY  
Date: 2022.03.31 13:42:06 -04'00'

OGC/Ethics Use Only: received 3/31/22 JFugh

**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

**Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.**

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

**Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.**

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

**Need help answering these statements? Contact [ethics@epa.gov](mailto:ethics@epa.gov) to discuss.**

**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Casey Katims	202-494-4609	3/23/22
Your full name	Your telephone number*	Date negotiation or agreement began
Deputy Associate Administrator		
OCIR/AO	katims.casey@epa.gov	U.S. Climate Alliance
Your Title / Office / AAship or Region	Your email address*	Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                                 | No                       |                                                                                                             |
|----|-------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------|
| 1. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

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Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

**CASEY KATIMS**

Digitally signed by CASEY KATIMS  
Date: 2022.03.25 15:13:39 -04'00'

Your signature

OGC/Ethics Use Only: Received by OGC/Ethics 3/25/22. Then returned for corrections (boxes) on 3/28/22.



**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

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- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

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